

The Women's Court of Canada: rewriting equality

By *Maryellen Symons*

Historically, our courts did not take women's realities and perspectives fully into account in their decisions on issues affecting women.

Forum news

Message from the Chair

By *Pat Lane*

I was thrilled at the energy and enthusiasm expressed at our annual meeting in Dublin. I expected to come away from the meeting satisfied. Instead, I came away inspired.

The 2009 CBA Canadian Legal Conference Reception

By *Carol Anne Finch-Noyes*

The second annual Cecilia I. Johnstone Award was presented at the Canadian Legal Conference Reception, held at the National Concert Hall in Dublin on Sunday, Aug. 16, 2009.

The WLF program at the 2009 CBA Canadian Legal Conference

By *Carol Anne Finch-Noyes and Hon. Judge Stella Frame*

This illuminating session provided insight into the challenges, issues and barriers faced by women in the legal profession.

Mentoring foreign-trained lawyers

By *Archana Medhekar*

I immigrated to Canada from India almost a decade ago. In India, I practised law for 6 years. I arrived with a master's degree in law and 2 years academic experience as a faculty member at an Indian law school. On immigrating to Canada, I was eager to translate my international professional experience into the Canadian legal system. But after I landed, the realization dawned that professionally I was a "non entity." In the Canadian job market my Indian degrees were not recognized and my professional experience could not even fetch the job of a law clerk. The process to re-qualify through the National Committee of Accreditation ("NCA") was not easily accessible. I had no social or professional network. I was compelled to accept the lowest position in a sole practitioner's law firm. I strongly felt the need to have a mentor- who could guide me in establishing myself as a "Canadian lawyer."

Every foreign-trained lawyer I have known faced a similar struggle. I wanted to hear from other foreign-trained women lawyers about their experiences and thoughts on mentoring. With the CBA's assistance, an open-ended survey for foreign-trained women lawyers was circulated across Canada, requesting them to share their experiences about mentorship needs and opportunities. Twenty-five women lawyers participated (in English and French) in the anonymously treated survey. This article reflects their collective responses.



Medhekar: Lacking professional contacts, many foreign-trained lawyers struggle to establish themselves.

The statistics provided by NCA confirm that the number of re-qualified foreign lawyers has been increasing since 1999; i.e., 225 re-qualifications in 1999 leaped to 749 in 2009. However, the challenges facing foreign-trained professionals remained unchanged. All twenty-five participants in the survey emphasized the need for a mentor- at the beginning of the re-qualification process, after their call to the bar, and during their initial years of practice. Ninety-five percent of participants confirmed that having a mentor would have changed their practice or approach.

The participants stated that a mentor's guidance regarding the re-qualifying procedure, even before the process began, would have been helpful. The challenges for foreign-trained lawyers include not having Canadian work experience, financial hardship (being a new immigrant), pressure to support family, discrimination and ethically challenging situations, and difficulty in finding articling positions and jobs. Many

foreign-trained lawyers have to volunteer for articling. (If articling is waived due to their foreign experience, it takes away their opportunity to be part of the mainstream.)

this link.

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The views expressed in these articles are those of the authors, and do not necessarily represent the views of the Canadian Bar Association.

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In sharing their transition experiences, participants also underlined the challenge they faced in understanding the profession in Canada. Lack of familiarity with Canadian work culture and the "business of law" in this country was a persistent theme. Some found it disturbing to work for free as a skill test for a potential employer before being hired. Some foreign-trained lawyers reported feeling "like an outsider." One participant said "experienced lawyers try to ridicule you if you belong to a different ethnic background." Another is on the verge of giving up the idea of practising law—"I will most likely not return to practice due to challenges faced as a foreign-trained lawyer." In spite of having legal knowledge, some stumbled at pure procedural issues. Not being a Canadian university student translates into a lack of "connections"—detrimental in a profession that relies on networking.

It was suggested that an approachable mentor with a desire to assist, an understanding of barriers and knowledge of non-Canadian jurisdictions would be valuable. Peer support of another foreign-trained professional who has a positive attitude and has walked the process could possibly be the best resource for advice. The necessary elements in mentoring were listed as: providing emotional support, mentoring in practice specific areas, being available on short notice, and providing a relationship founded on trust and friendship.

There is a need to create a formal platform for such sharing and networking through the Canadian Bar Association or the law societies. It could be arranged as informal meetings, e-mail or online chat groups, newsletters for qualifying foreign-trained lawyers, workshops and seminars. The law societies provide a range of services and programs for internationally trained lawyers. The available resources should be more widely advertised with easily accessible flow charts. Discussion forums for foreign-trained lawyers would help them to identify, focus and assess their goals.

Survey responses confirmed that informal or formal mentoring would help foreign-trained lawyers to determine requirements for accreditation and prepare them for the long NCA certification process. Such mentorship would reduce the "feeling of loneliness and isolation." Many NCA students neither attend university nor have someone to engage with in discussions. Tutoring is not available through the NCA. Mentors can fill this gap.

In response to the challenges faced by internationally trained lawyers seeking accreditation to practise law in Canada, the University of Toronto's Faculty of Law has partnered with the Government of Ontario to establish the Internationally Trained Lawyers (ITL) Program, which commences in May 2010. The ITL "bridge training" program, will convert international talent into the Canadian system.

Many participants shared their positive experiences, mostly achieved through formal or informal mentoring. Cold calling, Workopolis or informal one-on-one meetings with lawyers have helped people find their career paths. These foreign-trained lawyers developed self-confidence through encouragement from their mentors "to achieve their dreams." Despite the hurdles, they seemed to get due recognition for their foreign experience. Opposing lawyers and judges were also credited for shaping their careers—sometimes unknowingly.

Mentoring is said to be the ultimate gift of time, skill and care given from one professional to another. The survey participants expressed their gratitude towards their mentors, and in return have shown willingness to serve as mentors. I am hopeful that with the contribution from these mentors a new diversified legal fraternity will evolve in Canada.

Archana Medhekar is a practicing family law lawyer in Ontario. You can reach her at amlaw@rogers.com.

(Special acknowledgement: Jennifer Lalonde of the CBA National Office for compilation of survey responses and English translation of French responses)

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Mentoring women lawyers in British Columbia: A success story

By Linda K. Robertson

In the August edition of *The Common Room*, the B.C. WLF described the powerful impact of its mentoring program in an article titled "Sharing Our Stories: Ten Hot Tips From Ten Hot Mentors." The article describes one of our most successful annual mentoring events where ten senior women lawyers give one short tip to a younger woman starting out in the practice of law. This year's event, in September 2009, was one of our most successful ever, with 140 lawyers registered to hear from an outstanding group of women leaders at the bar.